



WEB COPY

W.A.No. 730 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 730 of 2025
and
C.M.P.No. 6204 of 2025

The Management,
Tamil Nadu State Transport Corporation (VPM) Limited,
Cuddalore Division,
Rep. by its General Manager ... Appellants

Vs.

1.The Presiding Officer,
Labour Court,
Cuddalore.

2.M.Krishnaraj ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.06.2024 made in W.P.No.17069 of 2014.

For Appellant : Ms.S.Pavithra
For Respondents : Mr.R.Muralidharan for R2



J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

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Challenge is to the order made in W.P.No.17069 of 2014, in and by which, the writ Court has confirmed the award passed by the Labour Court, Cuddalore.

2. The respondent, who was working as a Reserve Driver was not allowed to work on the ground that he was guilty of rash and negligent driving, resulting in death of a person. The workman raised an Industrial Dispute and the Labour Court found that the termination was in contravention of Section 25-F of the Industrial Disputes Act, 1947. Having recorded such a finding, the writ Court directed reinstatement with all attendant benefits including the back wages. This award was challenged by the Corporation.

3. The Writ Court found that the Management has admitted that the workman had worked for 480 days in 24 calendar months. It also recorded that the applicability of Section 25-F is not dependent on the permanent nature of the work. Once it is shown that the workman has worked for more than a year, necessarily the procedure prescribed under Section 25-F for



retrenchment should be followed. Evidently, such procedure was not followed in the case on hand and therefore, the writ Court affirmed the award.

4. We have heard Ms.S.Pavithra, learned counsel appearing for the Corporation and Mr.R.Muralidharan, learned counsel appearing for the respondent / workman.

5.Ms.S.Pavithra, learned counsel for the Corporation would vehemently contend that it was the case of rash and negligent driving and therefore, the Corporation was right in denying him job. She would also contend that pending writ petitions, 17B wages were paid and therefore, the direction to re-employ him with full back wages and all attendant benefits would be very harsh. Though we are inclined to agree with the counsel for the consequences of the order are harsh, we cannot dilute the harshness in view of the mandatory provisions of the Industrial Disputes Act,1947.

6. Once the Labour Court passed an award for reinstatement, it is the duty of the Management to reinstate the workman. If the workman is not



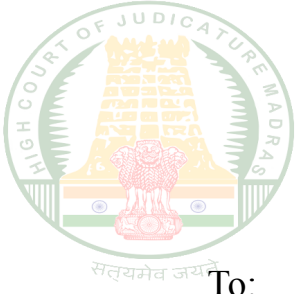
gainfully employed, it has to pay 17B wages. The fact that the 17B wages was paid, it is not a ground to deny wages at least from the date of award.

In the case on hand, the award was passed in 2013 and the writ petition was filed in 2014, it was open to the Management to reinstate the petitioner and extract work from him but, the Management did not do it for obvious reasons.

7. In the light of the mandatory nature of the provisions of the Industrial Disputes Act, we do not think, either we or the writ Court would have done anything which would dilute the harshness of the result of the proceedings before the Labour Court. We therefore, see no merit in the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. The appellant will calculate the benefits that are payable to the workman and pay the same within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
17.03.2025

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Index: No
Speaking order
Neutral Citation : No



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Tamil Nadu State Transport Corporation (VPM) Limited,
Cuddalore Division.
- 2.The Presiding Officer,
Labour Court,
Cuddalore.



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